

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE PRINCIPAL CLERK

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HOUSE DRH70016-LR-25C (01/03)

Short Title: NC Right to Work/Secret Ballot Amendments. (Public)

Sponsors: Representatives Tillis, Moffitt, and Murry (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE NORTH CAROLINA CONSTITUTION TO GUARANTEE
3 THE RIGHT OF AN INDIVIDUAL TO WORK, TO MAKE CONTRACTS BETWEEN A
4 UNIT OF GOVERNMENT AND A LABOR ORGANIZATION AS BARGAINING
5 AGENT CONCERNING PUBLIC EMPLOYEES ILLEGAL, AND TO PRESERVE THE
6 RIGHT OF AN INDIVIDUAL TO VOTE BY SECRET BALLOT FOR AN ELECTION,
7 DESIGNATION, OR AUTHORIZATION FOR EMPLOYEE REPRESENTATION BY A
8 LABOR ORGANIZATION.

9 The General Assembly of North Carolina enacts:

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11 **PART I. GUARANTEE RIGHT TO WORK**

12 **SECTION 1.1.** Article I of the North Carolina Constitution is amended by adding a
13 new section to read:

14 **"Sec. 38. Right to Work.**

15 The right to live includes the right to work. The exercise of the right to work must be
16 protected and maintained free from undue restraints and coercion. It is hereby declared to be
17 the public policy of North Carolina that the right of persons to work shall not be denied or
18 abridged on account of membership or nonmembership in any labor union or labor organization
19 or association."

20 **SECTION 1.2.** The amendment set out in Section 1.1 of this act shall be submitted
21 to the qualified voters of the State at the general election in November 2014, which election
22 shall be conducted under the laws then governing elections in the State. Ballots, voting
23 systems, or both may be used in accordance with Chapter 163 of the General Statutes. The
24 question to be used in the voting systems and ballots shall be:

25 "[] FOR [] AGAINST

26 Constitutional amendment to provide that the right to live includes the right to work
27 and therefore the right of persons to work shall not be denied or abridged on account of
28 membership or nonmembership in any labor union or labor organization or association."

29 **SECTION 1.3.** If a majority of votes cast on the question are in favor of the
30 amendment set out in Section 1.1 of this act, the State Board of Elections shall certify the
31 amendment to the Secretary of State. The Secretary of State shall enroll the amendment so
32 certified among the permanent records of that office.

33 **SECTION 1.4.** The amendment set out in Section 1.1 of this act is effective upon
34 certification.

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PART II. NO PUBLIC EMPLOYEE COLLECTIVE BARGAINING

SECTION 2.1. Article I of the North Carolina Constitution is amended by adding a new section to read:

"Sec. 39. Contracts between units of government and labor unions, trade unions, or labor organizations concerning public employees declared to be illegal.

Any agreement or contract between the governing authority of any city, town, county, or other municipality, or between any agency, unit, or instrumentality thereof, or between any agency, instrumentality, or institution of the State of North Carolina, and any labor union, trade union, or labor organization, as bargaining agent for any public employees of such city, town, county, or other municipality, or agency or instrumentality of government, is hereby declared to be against the public policy of the State, illegal, unlawful, void, and of no effect."

SECTION 2.2. The amendment set out in Section 2.1 of this act shall be submitted to the qualified voters of the State at the general election in November 2014, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[] FOR [] AGAINST

Constitutional amendment providing that any contract between a unit of government and a labor union, trade union, or labor organization as bargaining agent for public employees is illegal."

SECTION 2.3. If a majority of votes cast on the question are in favor of the amendment set out in Section 2.1 of this act, the State Board of Elections shall certify the amendment to the Secretary of State. The Secretary of State shall enroll the amendment so certified among the permanent records of that office.

SECTION 2.4. The amendment set out in Section 2.1 of this act is effective upon certification.

PART III. PRESERVE RIGHT TO SECRET BALLOT ON EMPLOYEE REPRESENTATION

SECTION 3.1 Article I of the North Carolina Constitution is amended by adding a new section to read:

"Sec. 40. Secret ballot on employee representation.

The fundamental right of an individual to vote by secret ballot for employee representation by a labor organization shall be guaranteed where State or federal law permits or requires elections, designations, or authorizations for employee representation by a labor organization."

SECTION 3.2. The amendment set out in Section 3.1 of this act shall be submitted to the qualified voters of the State at the general election in November 2014, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[] FOR [] AGAINST

Constitutional amendment providing that the fundamental right of an individual to vote by secret ballot for employee representation by a labor organization shall be guaranteed where State or federal law permits or requires election, designation, or an authorization for employee representation by a labor organization."

SECTION 3.3. If a majority of votes cast on the question are in favor of the amendment set out in Section 3.1 of this act, the State Board of Elections shall certify the amendment to the Secretary of State. The Secretary of State shall enroll the amendment so certified among the permanent records of that office.

SECTION 3.4. The amendment set out in Section 3.1 of this act is effective upon certification.

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2 **PART IV. EFFECTIVE DATE**

3 **SECTION 4.1** This act is effective when it becomes law.